

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Customer No.</i>	23643	}
<i>Group:</i>	1651	}
<i>Confirmation No.:</i>	3917	}
<i>Application No.:</i>	10/535,357	}
<i>Invention:</i>	Composition and Method for Inhibition of Microorganisms	}
<i>Inventor:</i>	Michael P. Doyle	}
<i>Filed:</i>	May 18, 2005	}
<i>Attorney Docket:</i>	31725-77991	}
<i>Examiner:</i>	Deborah K. Ware	}

**Assertion Of Entitlement To Small Entity Status
And Request For Refund**

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Issue Fee for the above-identified application was paid on July 10, 2009 as a large entity and the patent issued on August 18, 2009. The owners of the captioned application have now advised us that they are entitled to small entity status. The large entity designation is therefore incorrect. Pursuant to 37 C.F.R. § 1.27(c), Applicants hereby submit this written assertion of entitlement to small entity status with respect to the above-identified application.

The issue fee transmittal was filed electronically and payment of the issue fee and publication fee totaling \$1,810 (\$1,510 issue fee, \$300 publication fee) was made at that time, by a charge to Deposit Account No. 10-0435. Applicants hereby respectfully request a refund of \$755.00, which is, pursuant to 37 C.F.R. § 1.26, § 1.27(c), and § 1.28(a), the portion of the transmitted fees in excess of that required for a small entity.

This request for refund is being made within the three months of the payment of the above-identified fees as required by 37 C.F.R. § 1.28(a). This refund can be made by check to Applicants' attorney, Barnes & Thornburg LLP, or by crediting the amount to be refunded to Deposit Account No. 10-0435 with reference to our matter number 31725-77991. The Director is hereby authorized to charge any additional fees which may be required, or to credit any other overpayment, to our Deposit Account No. 10-0435.

Respectfully submitted,



John P. Breen
Registration No. 38,833
Attorney for Applicants

JPB:glt
(317) 261-7940
434-220-2866
Indianapolis, Indiana 46204